

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

vs.

TOWN OF NORTH BROOKFIELD,
Defendant.

Civil Action No. 03-40266 CWS

JOINT MOTION TO EXTEND SCHEDULING ORDER

Plaintiff, American Manufacturers Mutual Insurance Company ("AMMIC"), and Defendant, Town of North Brookfield (the "Town") (collectively, the "Parties"), by way of undersigned counsel, hereby move this Court to extend the current tracking under the amended Scheduling Order of November 1, 2004. The parties request that the Court enter an Order extending all remaining discovery dates by three (3) months and that the Parties be allowed to serve one set of Requests for Admissions upon the other outside the October 1, 2004 written discovery deadline. As grounds for its this Motion, the Parties state as follows:

1. The Parties have diligently conducted paper discovery and are nearly complete. Paper discovery has taken a significant amount of time due to the complex and paper-laden nature of construction projects, surety law, and the extensive universe of information arising from the abandonment and default of AMMIC's principal, E.J. Sciaba Contracting Co. Inc. ("Sciaba Contracting"), on four bonded construction projects.

2. To date, neither party has conducted any depositions. Both parties therefore seek more time to properly prepare for depositions now that written discovery is nearly complete. In addition, the parties seek additional time to serve Requests for Admissions after the October 1,

2004 written discovery deadline so as to potentially reduce the number of depositions that would otherwise be necessary in this case.

3. Both parties represent that this additional time will aid the resolution of this case to the extent that is possible.

4. Finally, Sciaba Contracting has forced AMMIC into a legion of state and federal lawsuits (not to mention Bankruptcy Court) as a result of its abandonment of four bonded projects. The tracking of these numerous cases naturally and invariably intersect. Therefore, from time to time, fairness compels adjustments to case tracking so that AMMIC may properly prepare its prosecution and/or defense of each case.

WHEREFORE, the Parties respectfully request that this Court enter an Order extending all remaining deadlines for three (3) months in accordance with the following:

- All fact depositions completed by 5/25/05.
- All trial experts are to be designated by 7/8/05 and disclosure of information contemplated by FRCP, Rule 26(a)(2) is also to be provided by 7/8/05. Expert depositions to be completed by 8/6/05. Supplemental reports by 7/22/05.
- All dispositive motions, including motions for summary judgment, are to be filed by 8/15/05 and responses are to be filed fourteen (14) days thereafter pursuant to Local Rule 7.1.
- Discovery is to be completed by 5/25/05, unless shortened or enlarged by Order of this Court.
- A final pretrial conference will be set by Magistrate Charles B. Swartwood, and must be attended by trial counsel. Counsel shall be prepared to commence trial as of the date of the final pretrial conference.

Respectfully submitted,

Town of North Brookfield

American Manufacturers Mutual Insurance
Company

By its attorneys,

By its attorneys,

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Dated: February 14, 2005.

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